

California Driver's License, Registration & Smog Check

You're a family member spouse and you're stopped and ticketed by a California Highway Patrolman. The officer cites you for driving without a license ("Ma'am, your Florida license is no good here,"), invalid registration ("Nor is your registration, Ma'am"), but is kind enough not to ding you for lack of a smog certification ("Have a nice day Ma'am."). You contemplate the fines, a possible court appearance, and all that Ma'aming. Then you're somewhat relieved to learn from your Legal Assistance Office that you may have a defense and that service members and their spouses really can save hundreds of dollars and still comply with California vehicle registration, licensing, and smog inspection law.

State Registration Requirements

Out-of-state vehicle registration will be recognized by California for those nonresident service members who have registered their vehicles in their states of domicile (home state) or in a state in which they were stationed at the time of registration. When either registration expires, it must be renewed, either in the service member's home state or in California. This big decision may be based upon comparing costs with those of the home state.

The registration fees total \$35. For vehicles purchased out-of-state the fees are about \$47. In addition, there is a licensing fee equal to 2% of the market value of the vehicle. The Department of Motor Vehicles (DMV) determines the market value based on when you acquired the vehicle and the price paid. According to Evelio Rojas, Operations Manager, DMV Seaside, the DMV will accept the price you provide, as long as it realistic, and then allow for depreciation. California residents must annually register and pay these fees for the vehicles they operate in California.

If nonresident service members prefer to register their vehicles in California, they will have to pay the registration fee, but are exempt from the 2% licensing fee. Charging such a fee to nonresident service members violates the Soldiers and Sailors Civil Relief Act. Avoid the 2% fee by completing the Military Exemption forms which are available at the DMV (1180 Canyon Del Rey Blvd., Seaside, phone 649-2935) and the Legal Assistance Office (Bldg. 275, Plummer St., Presidio of Monterey, phone 242-5084). The exemption does not apply to any of the service member's family unless the vehicle is jointly owned and registered with the military spouse. If the vehicle is solely in the family member's name when the vehicle entered California, you've lost the exemption for the first year. You can regain it for the second year by transferring the vehicle to joint ownership prior to the second year's re-registration. Even without the special military exemption, family members may not have to register their individually owned vehicles until 20 days after accepting employment or "residency" is established e.g., register to vote, pay resident tuition, sign a lease, get a California driver's license. See the Legal Assistance Office on the residence issue.

Driver's Licenses

A nonresident service member over the age of 18 who has in his immediate possession a valid driver's license from his home state need not obtain a California license. This law also applies to military dependents over the age of 18 unless they become a "resident". A lot of myths surround the requirement of family members to get a license, and many have needlessly forfeited their valid out-of-state licenses to obtain a California one. It is a common misconception that you must get a license 10 days after entering California. The statutes read 10 days after becoming a resident. Merely living here temporarily with a military spouse does not make you a resident for driver's licensing purposes. If an unknowing police officer is going to ticket you, politely show the officer your dependent I.D. card and explain your circumstances. If that doesn't work, aggressively prove your lack of intent to establish residency at traffic court after consulting Legal Assistance. Another erroneous belief widely held in the military community is that the family member spouse must get a license upon becoming employed. According to Chief of the Monterey City Police Department, Floyd Sanderson, "That is true only if you drive your vehicle for

hire or to further your employer's interest." The need to get a license still boils down to residency.

Smog Certificate

Don't worry about obtaining a smog inspection for your vehicle unless it is registered in California or you're selling it here.